

**IN THE CLAIMS**

Please amend the claims as follows. This listing replaces all prior versions.

1. (Currently amended) ~~A~~An isolated nucleic acid comprising:
  - a) a first nucleotide sequence encoding a pro-apoptotic protein selected from the group consisting of DR4, tBid or a biologically active fragment thereof and any combination thereof, and
  - b) a second nucleotide sequence encoding a tumor-specific promoter selected from the group consisting of survivin promoter, MUC-1 promoter, htert promoter, CEA promoter, PSA promoter, alpha-fetoprotein promoter or a biologically active fragment thereof and any combination thereof, wherein the second nucleotide sequence is operably linked to and directs the expression of the first nucleotide sequence.
2. (Original) The nucleic acid of claim 1, further comprising a third nucleotide sequence encoding a pro-apoptotic mediator selected from the group consisting of Bax, Smac, caspase 3, TRAIL or a biologically active fragment thereof and any combination thereof.
3. (Currently amended) A vector comprising the nucleic acid of ~~claims 1 or 2~~claim 1.
4. (Original) The vector of claim 3, wherein the vector is selected from the group consisting of AAV vector, lentivirus vector, adenovirus vector and a nonviral vector.
5. (Currently amended) A composition comprising the nucleic acid of ~~claims 1 or 2~~claim 1 ~~or the vector of claims 3 or 4~~ in a pharmaceutically acceptable carrier.

6. (Original) The composition of claim 5, further comprising a chemotherapeutic agent.

7. (Currently amended) A method of treating a cancer in a subject, comprising administering to the subject an effective amount of the nucleic acid of ~~claims 1 or 2, the vectors of claims 3 or 4 or the composition of claims 5 or 6~~claim 1 to the subject, thereby treating the cancer in the subject.

8. (Original) A method of producing a viral vector comprising the nucleic acid of claim 1, comprising introducing into a cell in which viral vectors are produced:

a) a nucleic acid comprising a nucleotide sequence encoding one or more pro-apoptotic proteins, operably linked to one or more tumor-specific promoters and a viral packaging signal;

b) an siRNA construct and/or an antisense sequence that targets the nucleotide sequence encoding the one or more pro-apoptotic proteins of (a), either prior to, or simultaneously with introducing the nucleic acid of (a) into the cell; and

c) nucleic acid encoding viral structural proteins and/or nonstructural proteins necessary to produce viral structural proteins that package nucleic acid into a viral vector particle, under conditions whereby the nucleic acid of (a) is packaged into a viral vector particle, thereby producing the viral vector comprising the nucleic acid of claim 1.

9. (Original) A method of producing a viral vector comprising the nucleic acid of claim 1, comprising introducing into a cell in which viral vectors are produced:

a) a nucleic acid comprising a nucleotide sequence encoding one or more pro-apoptotic proteins, operably linked to one or more tumor-specific promoters and a viral packaging signal;

b) a nucleic acid encoding bcl-2 under the direction of an active promoter, either prior to, or simultaneously with introducing the nucleic acid of (a) into the cell; and

c) nucleic acid encoding viral structural proteins and/or nonstructural proteins necessary to produce viral structural proteins that package nucleic acid into a viral vector particle, under conditions whereby the nucleic acid of (a) is packaged into a viral vector particle, thereby producing the viral vector comprising the nucleic acid of claim 1.

10. (New) A vector comprising the nucleic acid of claim 2.

11. (New) A composition comprising the nucleic acid of claim 2 in a pharmaceutically acceptable carrier.

12. (New) The composition of claim 11, further comprising a chemotherapeutic agent.

13. (New) A method of treating cancer in a subject, comprising administering an effective amount of the nucleic acid of claim 2 to the subject, thereby treating the cancer in the subject.

14. (New) A method of treating cancer in a subject, comprising administering an effective amount of the vector of claim 3 to the subject, thereby treating the cancer in the subject.

15. (New) A method of treating cancer in a subject, comprising administering an effective amount of the vector of claim 10 to the subject, thereby treating the cancer in the subject.

16. (New) A method of producing a viral vector comprising the nucleic acid of claim 2, comprising introducing into a cell in which viral vectors are produced:

a) a nucleic acid comprising a nucleotide sequence encoding one or more pro-apoptotic proteins, operably linked to one or more tumor-specific promoters and a viral packaging signal;

b) an siRNA construct and/or an antisense sequence that targets the nucleotide sequence encoding the one or more pro-apoptotic proteins of (a), either prior to, or simultaneously with introducing the nucleic acid of (a) into the cell; and

c) nucleic acid encoding viral structural proteins and/or nonstructural proteins necessary to produce viral structural proteins that package nucleic acid into a viral vector particle, under conditions whereby the nucleic acid of (a) is packaged into a viral vector particle, thereby producing the viral vector comprising the nucleic acid of claim 2.

17. (New) A method of producing a viral vector comprising the nucleic acid of claim 2, comprising introducing into a cell in which viral vectors are produced:

a) a nucleic acid comprising a nucleotide sequence encoding one or more pro-apoptotic proteins, operably linked to one or more tumor-specific promoters and a viral packaging signal;

b) a nucleic acid encoding bcl-2 under the direction of an active promoter, either prior to, or simultaneously with introducing the nucleic acid of (a) into the cell; and

c) nucleic acid encoding viral structural proteins and/or nonstructural proteins necessary to produce viral structural proteins that package nucleic acid into a viral vector particle, under conditions whereby the nucleic acid of (a) is packaged into a viral vector particle, thereby producing the viral vector comprising the nucleic acid of claim 2.